

REMARKS:Status

After this response, claims 4 to 12, 14 to 17, 35 to 44, 46 to 56, 60 to 68, 70 to 83, and 85 to 95 are pending. Claims 35, 43, 44, 46 to 48, 50, 74, 82, 83, 85 to 87, and 89 have been amended, and claims 45, 57, 69, 84 and 96 have been cancelled. Claims 4, 5, 35, 46 to 48, 50, 60, 61, 74, 85 to 87, and 89 are the independent claims. Reconsideration and further examination are respectfully requested.

Subject Matter Indicated As Allowed or Allowable

The Office Action allowed claims 4 to 12, 14 to 17, 60 to 68, 70 to 73. Applicants have not amended these claims.

The Office Action indicated that claims 78, 79, 84, 85, 86 and 96 would be allowable if amended into independent form including all of the limitations of their base claims and any intervening claims. These claims are discussed below.

Applicants note that claims 78 and 79 recite limitations akin to those recited by claims 39 and 49, which were rejected in paragraphs 10 and 6 of the Office Action, respectively. Accordingly, Applicants have not amended these claims into independent form.

Applicants have amended independent claim 74 to recite the limitation of claim 84, which has been cancelled. Accordingly, allowance of claim 74 is respectfully requested.

Applicants have amended claims 85 and 86 into independent form including all of the limitations of their base claims. Accordingly, allowance of these claims is respectfully requested.

Applicants have amended independent claim 89 to recite the limitations of claim 96, which has been cancelled. Accordingly, allowance of claim 89 is respectfully requested.

#### Section 101 Rejections

Claims 35 to 57 were rejected under 35 U.S.C. § 101. The Office Action stated that claims 35 and 50 failed to demonstrate a purpose or application for optimizing of communication parameters.

Applicants have amended claims 35 and 50 to recite “communicating in said point-to-multipoint communication system using said communication parameters that have been optimized” and “communicating through said communication channel using said set of parameters that have been optimized,” respectively. Applicants submit that using the optimized parameters for communication is a “purpose or application.” Withdrawal of the § 101 rejections is therefore respectfully requested.

#### Section 112 Rejections

Claims 50 to 57, 43, 44, 82, 83, and 87 were rejected under 35 U.S.C. § 112, ¶ 2. Each specific rejection is addressed in turn below.

Claims 50 to 57: The Office Action indicated that there was insufficient antecedent basis for the limitation “said steps” in claim 50. Applicants have deleted the words “steps of” from

the relevant part of the claim. Accordingly, withdrawal of this § 112 rejection is respectfully requested.

Claims 43 and 44: The Office Action indicated that there was insufficient antecedent basis for the limitation “said set of parameters” in these claims. Applicants have amended “said set of parameters” to “said plurality of communication parameters” in claims 43 and 44. Claim 35, from which these claims depend, recites “a plurality of communication parameters,” thereby providing sufficient antecedent basis for the amended limitation. Withdrawal of this § 112 rejection is therefore respectfully requested.

Claims 82 and 83: The Office Action indicated that there was insufficient antecedent basis for the limitation “said set of parameters” in these claims. Applicants have amended “said set of parameters” to “said plurality of communication parameters” in claims 82 and 83. Claim 74, from which these claims depend, recites “a plurality of communication parameters,” thereby providing sufficient antecedent basis for the amended limitation. Withdrawal of this § 112 rejection is therefore respectfully requested.

Claim 87: The Office Action indicated that the limitation “a type of application service” was unclear to the Examiner. What Applicants meant by this limitation is that the time-varying adjustment is responsive to a type of application service provided over a communication channel. Applicants have amended claim 87 accordingly. Withdrawal of this § 112 rejection is therefore respectfully requested.

Applicants note that claim 48 also recited the limitations of “a type of application service.” Applicants have therefore amended claim 48 in a like manner as claim 87.

### Section 102 and 103 Rejections

Claims 35, 37, 38, 40 and 49 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,975,603 (Dicker). Claims 50, 52, 53, 74-77, 81, 88, 89, 91 and 92 were rejected under § 102 over U.S. Patent No. 6,625,777 (Levin). Claim 36 and 42 were rejected under § 103 over Dicker in view of Levin. Claim 39 was rejected under § 103 over Dicker in view of U.S. Patent No. 6,141,565 (Feuerstein). Claim 41 was rejected under § 103 over Dicker in view of U.S. Patent No. 6,650,630 (Haartsen). Claims 51, 54, 56, 90 and 93 were rejected under § 103 over Levin in view of Dicker. Claims 55 and 94 were rejected under § 103 over Levin in view of Dicker and U.S. Patent No. 6,128,500 (Raghavan). Claim 80 was rejected under § 103 over Levin and Haartsen.

For the same of completeness, all pending independent claims are discussed below in the context of these rejections, including claims discussed above as being allowed/allowable.

Claim 4: This claim was allowed; no art was cited against the claim in the Office Action.

Claim 5: This claim was allowed; no art was cited against the claim in the Office Action.

Claim 35: This claim has been amended to recite the limitations of claim 45, which has been cancelled. Applicants note that claim 45 recited a limitation akin to that recited by claim 84, which was indicated as containing allowable subject matter. Furthermore, no art was cited against claim 45 in the Office Action. Allowance of amended claim 35 is therefore respectfully requested.

Claim 46: This claim has been amended into independent form. Applicants note that this claim recited a limitation akin to that recited by claim 85, which was indicated as containing allowable subject matter. Furthermore, no art was cited against claim 46 in the Office Action. Allowance of claim 46 is therefore respectfully requested.

Claim 47: This claim has been amended into independent form. Applicants note that this claim recited a limitation akin to that recited by claim 86, which was indicated as containing allowable subject matter. Furthermore, no art was cited against claim 47 in the Office Action. Allowance of claim 47 is therefore respectfully requested.

Claim 48: This claim has been amended into independent form. Applicants note that this claim recited a limitation akin to that recited by claim 87, which was rejected under § 112, not § 102 or § 103. Furthermore, no art was cited against claim 48 in the Office Action. Allowance of claim 48 is therefore respectfully requested.

Claim 50: This claim has been amended to recite the limitations of claim 57, which has been cancelled. Applicants note that claim 57 recited a limitation akin to that recited by claim 96, which was indicated as containing allowable subject matter. Furthermore, no art was cited against claim 57 in the Office Action. Allowance of amended claim 50 is therefore respectfully requested.

Claim 60: This claim was allowed; no art was cited against the claim in the Office Action.

Claim 61: This claim was allowed; no art was cited against the claim in the Office Action.

Claim 74: As noted above in the discussion of allowed/allowable subject matter, this claim has been amended to recite the limitations of claim 84, which the Office Action indicated contained allowable subject matter. Allowance of claim 74 is therefore respectfully requested.

Claim 85: As noted above in the discussion of allowed/allowable subject matter, this claim has been amended into independent form including all of the limitations of its base claim. Allowance of claim 85 is therefore respectfully requested.

Claim 86: As noted above in the discussion of allowed/allowable subject matter, this claim has been amended into independent form including all of the limitations of its base claim. Allowance of claim 86 is therefore respectfully requested.

Claim 87: This claim has been amended into independent form. Applicants note that this claim was rejected under § 112, not § 102 or § 103. Applicants addresses this § 112 rejected above. No art was cited against claim 87 in the Office Action. Allowance of claim 87 is therefore respectfully requested.

Claim 89: As noted above in the discussion of allowed/allowable subject matter, this claim has been amended to recite the limitations of claim 96, which the Office Action indicated contained allowable subject matter. Allowance of claim 89 is therefore respectfully requested.

The foregoing addresses all of the pending independent claims. The dependent claims are believed to be allowable at least by virtue of the allowability of their base claims.

No Admission

Applicant's decision not to argue each of the dependent claims separately is not an admission that the subject matter of those claims is taught by the applied art.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at (614) 205-3241. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,



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